

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAROLE E. BAKER,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-00639-BHS-TLF

## REPORT AND RECOMMENDATION

Noted for January 5, 2018

Plaintiff has brought this matter for judicial review of defendant's denial of her applications for disability insurance and supplemental security income (SSI) benefits. This matter has been referred to the undersigned Magistrate Judge. *Mathews, Sec'y of H.E.W. v. Weber*, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a)(4). For the reasons set forth below, the undersigned recommends that the Court dismiss this matter for failure to prosecute.

On August 23, 2017, the Court issued briefing schedule order directing plaintiff to file an opening brief by September 13, 2017. Dkt. 18. On October 31, 2017, because plaintiff had not yet filed an opening brief, the Court issued an order directing her to do so by no later than November 29, 2017. Dkt. 19. The Court further warned plaintiff that failure to file an opening brief by that date would be deemed a failure to properly prosecute this matter, resulting in a recommendation that this matter be dismissed. *Id.*

To date, however, plaintiff has not filed an opening brief. Accordingly, the undersigned

1 recommends that the Court dismiss plaintiff's complaint (Dkt. 8) with prejudice for failure to  
2 prosecute. *See* Federal Rule of Civil Procedure ("FRCP") 41(b).

3 The parties have **fourteen (14) days** from service of this Report and Recommendation to  
4 file written objections thereto. 28 U.S.C. § 636(b)(1); FRCP 72(b); *see also* FRCP 6. Failure to  
5 file objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*,  
6 474 U.S. 140 (1985). Accommodating the above time limit, the Clerk shall set this matter for  
7 consideration on **January 5, 2018**, as noted in the caption.

8 Dated this 19th day of December, 2017.

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 Theresa L. Fricke  
13 United States Magistrate Judge  
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